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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding

H.A

Office Action Summary	Application No. 10/628,749	Applicant(s) WESSELLS, PHILIP G.	
	Examiner Daniel J. Colilla	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,11,12 and 14-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,6,11,12,15-24,26-42 and 44-49 is/are rejected.
- 7) ☒ Claim(s) 14,25 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 21, 42 and 44-49 is withdrawn in view of reconsideration of the Oikawa et al. and Ozawa et al. references. Rejections based on the these references follow.

Claim Objections

2. Claim 22 is objected to because of the following informalities: in claim 22, line 5, it appears that “media strip” should actually be --media stripper.-- Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa et al. (JP 8-133488).

Ozawa et al. discloses an image transfer apparatus including a housing 3, a transfer engine 5a within the housing 3 which transfers an image to the medium S at a transfer position as shown in Figure 3 of Ozawa et al. Further disclosed is a transfer medium registration system 3,11,14,15 which is coupled to the transfer engine 5a and positions a stack of medium S in the transfer position. Ozawa et al. also discloses a media stripper 11 for removing a sheet S. It is

Art Unit: 2854

noted that applicant only recites the pad in functional language in the claim. The structure recited by Ozawa et al. would be capable of use with a pad to the extent that applicant has claimed.

5. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Oikawa et al. (JP 2002-52760).

With respect to claims 22-23, Oikawa et al. discloses the transferring method including the steps of positioning a pad 2 made up of a plurality of transfer media releasably secured to one another (see paragraph [0022] of the machine translation of Oikawa et al.) at a transfer position of a transfer engine 92 as shown in Figure 11 and transferring an image to one of the transfer media. Further disclosed is the step of detaching the transfer media from the pad when the image has been transferred as shown in Figure 12. Oikawa et al. further discloses a media stripper (the hand as shown in Figure 12) for removing the transfer medium.

With respect to claim 24, the removing step occurs after the transferring step.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488).

With respect to claim 16, Oikawa et al. discloses the claimed transferring method except for the step of removing the transfer media using a media stripper. Oikawa et al. discloses the transferring method including the steps of positioning a pad 2 at a transfer position of a transfer engine 92 using a pad storing cartridge 3 as shown in Figures 12 of Oikawa et al. The pad 2 is comprised of a plurality of transfer media sheets that are releasably secured to one another (see paragraph [0022] of the machine translation of Oikawa et al.). Paragraphs [0063]-[0064] describe how the sheets of pad paper 2 are printed. Ozawa et al. teaches a media stripper 11 for removing a transfer media S. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

With respect to claim 17, Figure 11 of Oikawa et al. shows the sheet being printed while it is releasably secured to the pad 2.

With respect to claim 18, Figure 12 of Oikawa et al. shows the sheet or transfer media being detached after it has been printed.

With respect to claims 19 and 49, Oikawa et al. discloses the claimed image transfer apparatus except for the means for removing said one of said transfer media using a media stripper. Oikawa et al. discloses an image transfer apparatus including a means 3 for positioning a pad at a transfer position of a transfer engine 92 as shown in Figures 11-12 of Oikawa et al. the pad 2 is made of a plurality of sheets that are releasably secured to one another (see paragraph [0022] of the machine translation of Oikawa et al.). the positioning means includes a means 35a, 35b, 35c for adapting to varying peripheral pad dimensions as shown in Figure 4 of Oikawa et al. Ozawa et al. teaches a means for removing a transfer media S using a media stripper 11. It is

Art Unit: 2854

noted that applicant only recites the pad in functional language in the claim. The structure recited by Ozawa et al. would be capable of use with a pad to the extent that applicant has claimed. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

With respect to claims 20, 26, 38, and 42, Oikawa et al. discloses the claimed image transfer apparatus except for the media stripper. Oikawa et al. discloses an image transfer apparatus including a housing 1, a transfer engine 92 and a transfer medium 2 at a transfer position as shown in Figure 12 of Oikawa et al. Further disclosed is a transfer medium registration system 35,a, 35b and 35c as shown in Figure 4 of Oikawa et al. for positioning the pad 2 so that the top sheet of the pad is located at the transfer position. Also disclosed by Oikawa et al. is a cartridge 3 for storing the pad. Ozawa et al. teaches a media stripper 11 for removing a transfer media S. It is noted that applicant only recites the pad in functional language in the claim. The structure recited by Ozawa et al. would be capable of use with a pad to the extent that applicant has claimed. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

With respect to claim 15, the image transfer apparatus disclosed by Oikawa et al. is a printer.

With respect to claims 22-23, Oikawa et al. discloses the claimed transferring method except for the step of using a media stripper. Oikawa et al. discloses the transferring method including the steps of positioning a pad 2 made up of a plurality of transfer media releasably 6

Art Unit: 2854

secured to one another (see paragraph [0022] of the machine translation of Oikawa et al.) at a transfer position of a transfer engine 92 as shown in Figure 11 and transferring an image to one of the transfer media. Further disclosed is the step of detaching the transfer media from the pad when the image has been transferred as shown in Figure 12. Ozawa et al. teaches a media stripper 11 for removing a transfer media S. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

With respect to claims 24 and 44, the removing step taught by Ozawa et al. occurs after the transferring step.

With respect to claim 27, Oikawa et al. discloses the claimed image transfer apparatus except for the media stripper. Oikawa et al. discloses an image transfer apparatus including a housing 1, a transfer engine 92 and a transfer medium 2 at a transfer position as shown in Figure 12 of Oikawa et al. Further disclosed is a transfer medium registration system 35a, 35b and 35c as shown in Figure 4 of Oikawa et al. for positioning the pad 2 so that the top sheet of the pad is located at the transfer position. The apparatus disclosed by Oikawa et al. is an imaging system with which the transfer engine 92 and registration system 35a, 35b and 35c are integrated. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

With respect to claim 29, the system disclosed by Oikawa et al. further includes a ROM of a control section 71 for storing the image (see paragraph [0039]).

Art Unit: 2854

With respect to claim 4, Oikawa et al. discloses that the transfer engine 92 is a thermal transfer engine.

8. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 5,638,750) in view of Ozawa et al. (JP 8-133488).

With respect to claim 32, Sato discloses an image transfer apparatus including a housing (outer surfaces of pressing plate 1 and platform 2), a stenciling system transfer engine 1, 3 and 4 a transfer medium registration system 5. While Sato does not disclose if the apparatus is used for positioning a pad including a plurality of transfer media releasably secured to one another, the apparatus is capable of performing such a positioning method. Ozawa et al. teaches a media stripper 11 for removing a transfer media S. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Sato for the advantage of automatically removing the printed transfer media.

With respect to claim 33, Sato discloses the claimed apparatus as mentioned above in the above rejection of 32, and it is further noted that the stenciling system disclosed by Sato can also be considered a stamping system since it applies the image by pressing a plate against a print medium. Ozawa et al. teaches a media stripper 11 for removing a transfer media S. It would have been obvious to combine the teaching of Ozawa et al. with the image transfer apparatus disclosed by Sato for the advantage of automatically removing the printed transfer media.

Art Unit: 2854

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488), as applied to claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 above, and further in view of Tomiki (US 5,926,682).

With respect to claim 2, Oikawa et al. in view of Ozawa et al. discloses the claimed image transfer apparatus except for the electrostatic transfer system. However, Tomiki shows an example of a well-known electrostatic transfer system. It would have been obvious to replace the thermal transfer system disclosed by Oikawa et al. in view of Ozawa et al. with the electrostatic transfer system of Tomiki for the high quality and resolution of printing that is afforded by an electrostatic transfer system.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488) , as applied to claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 above, and further in view of Saka (JP 9-58073).

With respect to claim 2, Oikawa et al. in view of Ozawa et al. discloses the claimed image transfer apparatus except for the electrostatic transfer system. However, Saka teaches an printing on a pad with an ink ejection system as shown in Figure 4 and mentioned in paragraph [0017] of the machine translation of Saka. It would have been obvious to replace the thermal transfer system disclosed by Oikawa et al. in view of Ozawa et al. with the ink ejection system of Saka for the high quality, high resolution and high speed of printing that is afforded by an ink ejection system.

Art Unit: 2854

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488), as applied to claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 above, and further in view of Abe et al. (US 5,072,304).

Oikawa et al. in view of Ozawa et al. discloses the claimed image transfer apparatus except for the image capture system. However, Abe et al. teaches an image transfer apparatus shown in Figures 9 and 10 which includes an image capture reading head 506. It would have been obvious to combine the teaching of Abe et al. with the image transfer apparatus disclosed by Oikawa et al. in view of Ozawa et al. for the advantage of easily and readily obtaining images in digital form so that they may be reproduced in the image transfer apparatus.

12. Claims 11-12 and 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488) as applied to claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 above, and further in view of Su et al. (US 2004/0056917).

With respect to claims 11 and 34, Oikawa et al. in view of Ozawa et al. discloses the claimed image transfer apparatus except for the replaceable transfer engine. However Su et al., discloses an ink jet printer with a replaceable ink jet head 40 that can be replaced when the consumable (ink) used during image transfer is exhausted (Su et al., paragraph [0019]). It would have been obvious to combine the teaching of Su et al. with the apparatus disclosed by Oikawa et al. in view of Ozawa et al. for the advantage of high quality and high speed printing afforded by ink jet print heads.

With respect to claim 12, in paragraph [0020] Su et al. discloses nozzles in an orifice plate for controllably ejecting ink. As mentioned above the cartridge contains ink.

13. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (JP 2002-52760) in view of Ozawa et al. (JP 8-133488) as applied to claims 4, 6, 15-20, 22-24, 26-27, 29, 30, 31, 35, 38-42 and 44-49 above, and further in view of Kurashina (US 6,707,571).

With respect to claims 36-37, Oikawa et al. in view of Ozawa et al. discloses the claimed image transfer apparatus except for the display. However, Kurashina discloses an image transfer apparatus with a display 4 that can display a transfer-ongoing mode (Kurashima, col. 64, lines 20-22). It would have been obvious to combine the teaching of Kurashima with the image transfer apparatus disclosed by Oikawa et al. in view of Ozawa et al. for the advantage of allowing the user to know the status of the apparatus while looking at the apparatus.

Allowable Subject Matter

14. Claims 14, 25 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2854

15. The following is a statement of reasons for the indication of allowable subject matter:

Claim 43 has been indicated as containing allowable subject matter primarily for the step of removing the one transfer medium element from the pad being performed prior to the image transfer step.

Response to Arguments

16. It is noted that the examiner accidentally indicated claim 21 as containing allowable subject matter in the Office action mailed on 1/26/05 while at the same time the claim was rejected in the body of the Office action. This claim stands rejected in view of the patent to Ozawa et al. as outlined in that Office action and repeated here.

Additionally, after reconsidering the Oikawa et al. and Ozawa et al. references additional rejections have been made on claims that were previously allowed or indicated as containing allowable subject matter.

For the above reasons, this Office action will be made non-final.

The examiner has considered and accepted applicant's arguments regarding the 112, first paragraph rejection and drawing objections.

With respect to applicant's recitation in the claims that the media stripper is part of the print registration system, there appears to be no print registration functions carried out by the media stripper. Furthermore, Figure 1 of applicant's drawings shows a clear separation between the media stripper 145 and the print registration system 115. It appears that the user's hand as outlined in the above prior art rejection of claims 22-23 satisfies these claims requirements in view of the applicant's disclosure.


Art Unit: 2854

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 18, 2005


Daniel J. Colilla
Primary Examiner
Art Unit 2854